

COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2015-AH-00025

ENTERED  
MAR 06 2015  
COMMISSIONERS OFFICE

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

AGREED ORDER

SWBC MORTGAGE CORPORATION (MC21803)

RESPONDENT

\* \* \* \* \*

1. The Department of Financial Institutions ("DFI") is responsible for regulating and licensing entities engaged in mortgage brokering, origination, and processing in accordance with the provisions set forth in KRS Chapter 286.8.

2. SWBC Mortgage Corporation, (MC21803), ("Respondent") is authorized to do business in Kentucky as a mortgage company licensee pursuant to KRS Chapter 286.8, with a branch office located at 2557 Sir Barton Way, Lexington, KY 40509. Respondent's license number is MC21803.

3. DFI conducted an examination of the Respondent on September 2-5, 2014, and discovered that in May 2014 Respondent employed an unregistered person who acted as mortgage loan processor on behalf of Respondent for at least one Kentucky loan in violation of KRS 286.8-030(1)(c) and 286.8-255(1).

4. DFI's examination also discovered that in early April 2014, Respondent transacted business as a mortgage loan company by originating at least one Kentucky loan at 276 Warfield Blvd, Suites B and C, Clarksville, TN, (now MC284619) prior to obtaining a branch license in violation of KRS 286.8-030(1)(a).

5. DFI possesses a range of administrative authority in addressing violations of the Act, including license revocation or denial, suspension or the imposition of fines. See KRS 286.8-046 and 286.090.

6. In this case, DFI assessed a fine against Respondent in the amount of Three Thousand Five Hundred Dollars (\$3,500.00) for violating KRS 286.8.

7. In the interest of economically and efficiently resolving the violation(s) described herein, DFI and Respondent agree as follows:

a. Respondent agrees to a fine assessment in the amount of Three Thousand Five Hundred Dollars (\$3,500.00) for the violation(s) described herein;

b. Respondent agrees to and shall pay the total fine assessed herein of Three Thousand Five Hundred Dollars (\$3,500.00). The payment shall be due when Respondent signs and returns the Agreed Order. The payment shall be in the form of a certified check or money order made payable to “Kentucky State Treasurer” and mailed to the Department of Financial Institutions, Attn: Non-Depository Division – ORDER, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601;

c. Respondent shall devote the time and resources necessary to ensure continual and full compliance with all statutory requirements set forth in KRS Chapter 286.8.

7. Respondent waives its right to demand a hearing at which it would be entitled to legal representation, to confront and cross examine witnesses, and to present evidence on its own behalf, or to otherwise appeal or set aside this Order.

8. Respondent consents to and acknowledges the jurisdiction of DFI over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

9. Respondent agrees to cease and desist from using an unlicensed loan processor in Kentucky and originating loans from branch locations until such time as the requirements of KRS Chapter 286.8 are met.

10. In consideration of execution of this Agreed Order, Respondent for itself, and for its successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, DFI, Office of Legal Services, and each of their members, agents, and employees in their individual capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that Respondent ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph arising out of or by reason of this investigation, this disciplinary action, this settlement or its administration.

11. By signing below, the parties acknowledge they have read the foregoing Agreed Order, know and fully understand its contents, and that they are authorized to enter into and execute this Agreed Order and legally bind their respective parties.

12. This Agreed Order shall constitute the Final Order in this matter.

**IT IS SO ORDERED** on this the 6 day of MARCH, 2015.

  
CHARLES A. VICE  
COMMISSIONER

**Consented to:**

This 3<sup>rd</sup> day of March, 2015.

This 25<sup>th</sup> day of FEBRUARY, 2015.

Tammy R. Scruggs

Tammy Scruggs, Director  
Division of Non-Depository Institutions  
Department of Financial Institutions

[Signature]

Authorized Representative  
SWBC Mortgage Corporation  
License # MC21803

**ACKNOWLEDGEMENT**

STATE OF Texas )  
 )  
COUNTY OF Bexar )

On this the 25th day of FEBRUARY, 2015, before me LAUREN SWIFT, the undersigned, SUGAN T. STEWART, did personally appear and acknowledge himself/herself to be the authorized representative for SWBC Mortgage Corporation and that he/she, entered into and executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.

My Commission Expires: DECEMBER 27, 2017



[Signature]  
Notary Public

**Certificate of Service**

I, Christina Hayden, hereby certify that a copy of the foregoing Agreed Order was sent on this the 6 day of March, 2015, by certified mail, return receipt requested, to:

SWBC Mortgage Corporation  
9311 San Pedro, Suite 100  
San Antonio, TX 78216  
Attn: Ms. Karen Thompson, VP Compliance

Via hand-delivery to:

Hon. Gary W. Adkins  
1025 Capital Center Drive, Suite 200  
Frankfort, Kentucky 40601

[Signature]  
Christina Hayden  
Department of Financial Institutions